

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

LIONEL RUTHERFORD ) Case No. 1:08CV1180  
Petitioner, ) (1:06cr272)  
vs. )  
UNITED STATES OF AMERICA ) JUDGE ANN ALDRICH  
Respondent. ) )  
 ) O R D E R

The Court has filed its memorandum and order denying the petition for writ of habeas corpus.

IT IS ORDERED that Dailey's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2255 is denied, and this action is dismissed.

IT IS FURTHER ORDERED that Rutherford has not made a substantial showing of a violation of a constitutional right, the court certifies pursuant to 28 U.S.C. § 2253(c) that an appeal from this order would not be well taken.

s/Ann Aldrich  
ANN ALDRICH  
UNITED STATES DISTRICT JUDGE

Dated: December 3, 2008